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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,548	01/27/2005	Noboru Saito	2593-0151PUS1	8539
2292 7590 12/14/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER NGUYEN, TRUNG Q	
			ART UNIT 2829	PAPER NUMBER
			NOTIFICATION DATE 12/14/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/522,548

Applicant(s)

SAITO, NOBORU

Examiner

Trung Q. Nguyen

Art Unit

2829

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed on 09/05/07.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30-43 and 45-57 is/are allowed.
- 6) ☒ Claim(s) 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 0905.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 44 is rejected under 35 U.S.C. 102(e) as being anticipated by Yamashita et al. (U.S. 6,456,062).

Yamashita et al. disclose in Fig. 3A, a pusher via the holding head D1 having a pusher block via a IC's holder (right below head D1) used as a pressure head and attached onto the front end of the pusher body D1; a socket 202 for conducting a test by pressing input/output terminals (two terminals at two ends of the IC) of electronic testing apparatus via IC against socket 202; pusher block D1 having shaft D2 protruding perpendicularly from an upper surface of D1.

Allowable Subject Matter

3. Claims 30-43, 45-57 are allowed.

Claims 45-52 are objected to as being dependent upon a rejected base claim 44, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 30 recites, inter alia, "a pusher block provided movably to pusher base for pressing electronic device to be tested against socket at the time of test and two or more elastic means provided between lead pusher base and pusher block having an elastic force in the direction of pressing electronic device to be tested and wherein at least one elastic means among two or more elastic means applies a press force to electronic device to be tested via pusher block at the time of test."

Claims 45 and 56 recite, inter alia, "two or more shafts include one or more shafts arranged so that each center axis of said one or more shafts coincide with a bottom surface of one elastic means among said two or more elastic means; and rest of the shafts arranged so that each center axis of said rest of the shafts coincide with a bottom surfaces of other elastic means among said two or more elastic means."

Claim 53 recites, inter alia, "a load base provided between said lead pusher base and said pusher base; and at least one elastic means provided between said lead pusher base and said load base having an elastic force in the direction of pressing said

electronic device to be tested; and wherein pusher block is detachably attached to said load base via an opening portion formed, on said pusher base, a part of said pusher block penetrates said load base and contacts said elastic means, and said elastic means applies a press force to said electronic device to be tested via said pusher block at the time of said test."

Claim 57 recites, inter alia, "pusher block has two or more shafts protruding perpendicularly from an upper surface a first shaft included in said two or more shafts faces a first elastic means included in said two or more elastic means, a second shaft included in said two or more shafts faces a second elastic means included in said two or more elastic means, and said pusher block is attached to said load base via an opening portion formed on said pusher base."

The art of record does not disclose the above limitations, nor would it be obvious to modify the art of record so as to include the above limitations.

Note: Applicant's arguments with respect to claims 44 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within two months of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Trung Nguyen** whose telephone number is **(571) 272-1966**. The examiner can normally be reached on Monday through Thursday, 8:30AM – 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ha Nguyen** can be reached at (571) 272-1678.

Trung Nguyen
Patent Examiner
Group Art Unit 2829
December 07, 2007.



HA TRAN NGUYEN
SUPERVISORY PATENT EXAMINER